

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY JULY 9, 2003
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: JANET DUNN
DINO F. BUCCI, JR.
CHARLES OLIVER

ABSENT: KENNETH MEERSCHAERT, JR.

Also in attendance: Larry Dloski, Township Attorney
Jack Dailey, Community Planning Consultant
James Van Tiflin, Project Manager for Spalding DeDecker &
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor Brennan called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk Koehs called the roll. Member Kenneth Meerschaert, Jr. absent.

MOTION by BUCCI seconded by OLIVER to refrain from calling the name of Member Kenneth Meerchaert, Jr. for all future motions.

MOTION carried.

2. Approval of Agenda Items (*Addendums and corrections may be added*)

MOTION by DUNN seconded by MALBURG to approve the agenda as amended.

MOTION carried.

3. Approval of Bills

MOTION by DUNN seconded by OLIVER to approve the Bill run as submitted.

MOTION carried. (*Additional Bill approvals listed under item no. 25.*)

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4. Approval of the June 25, 2003 previous Meeting Minutes

MOTION by OLIVER seconded by MALBURG to approve the June 25, 2003 Meeting Minutes.

MOTION carried.

5. Public Comments (Non Agenda items only - 3 minute time limit) None.

PUBLIC HEARING:

6. Industrial Development District; Macomb Corporate Center; Lot Nos. 5, 6 and 7. Sal-Mar Industrial, Petitioner. Permanent Parcel No. 08-20-103-010.

Supervisor Brennan opened the Public Hearing at 7:04 P.M.

Public Portion: None.

Petitioner: Thomas Treppa along with Peter Maniccia present.

MOTION by DUNN seconded by BUCCI to close the public hearing at 7:08 P.M.

MOTION carried.

MOTION by DUNN seconded by BUCCI to adopt the resolution for the Industrial Development District; Macomb Corporate Center; Lot Nos. 5, 6 and 7. Sal-Mar Industrial, Petitioner. Permanent Parcel No. 08-20-103-010 as follows:

RESOLUTION

Minutes of a Regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on July 9, 2003, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn.

ABSENT: Kenneth Meerschaert, Jr.

The following preamble and resolution were offered by Member DUNN and supported by Member BUCCI.

WHEREAS, Sal-Mar Industrial 16931, a Michigan corporation, has petitioned the Macomb Township Board for the creation of an Industrial

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Development District pursuant to the provisions of Act 198, Public Acts of 1974, as amended, within the unincorporated area of the Township; and,

WHEREAS, the Township of Macomb is a local governmental unit which levies ad valorem taxes at a rate which, when taken together with rates of ad valorem taxes levied by other taxing authorities, which levy taxes within the Township of Macomb, equals or exceeds Thirty and 00/100 Dollars (\$30.00) for each One Thousand and 00/100 Dollars (\$1,000.00) of state equalized valuation, and thus qualifies as a local governmental unit empowered to establish an Industrial Development District pursuant to Act 198, supra; and,

WHEREAS, the Township Board has established July 9, 2003, at 7:00 P.M. as the date and time and the Township Offices located at 54111 Broughton Road, Macomb, Michigan 48042, as the place for the holding of a public hearing on the question of whether an Industrial Development District should be established pursuant to the petition of Sal-Mar Industrial 16931; and,

WHEREAS, the Township Board has given written notice of said hearing by certified mail to the owner of all real property within the proposed Industrial Development District,

WHEREAS, the Township Board has heard the comments of the owners of said land and other residents who have elected to communicate with the Township Board concerning the creation of an Industrial Development District, as herein contemplated; and, WHEREAS, the Township Board has determined that the request for establishment of the Industrial Development District was filed prior to the commencement of construction;

NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Township of Macomb, Macomb County, Michigan:

1. That the Township Board hereby deems the establishment of an Industrial Development District as proposed by Sal-Mar Industrial 16931; to be beneficial to the residents of the Township of Macomb, and further, said District will result in increased employment and an eventual and substantial increase in state equalized valuation of the Township of Macomb;

2. That an Industrial Development District is hereby established pursuant to the provisions of Act 198, Public Acts of 1974, as amended, the boundaries of said district being solely confined to the following described lands:

Lot 5, 6 and 7 "Macomb Corporate Center" Part of Section 20, T.3N., R.13E., Macomb Township, Macomb County, Michigan as recorded in liber 135 of Plats, Page 29, Macomb County Records.

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AYES: DUNN, BUCCI, OLIVER, MALBURG, KOEHS, BRENNAN.

NAYS: NONE

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs
Macomb Township Clerk

CERTIFICATE OF CLERK

I hereby certify that the attached constitutes a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a regular meeting held on July 9, 2003, and that public notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Michael D. Koehs
Macomb Township Clerk

MOTION carried.

7. Street Lighting Request; Riverside Communities; Riverside Communities, Petitioner. Section 23.

Supervisor Brennan opened the Public Hearing at 7:08 P.M.

Public Portion: None.

MOTION by MALBURG seconded by OLIVER to close the public hearing at 7:10 P.M.

MOTION carried.

MOTION by OLIVER seconded by MALBURG to adopt the resolution for Street Lighting Request; Riverside Communities; Riverside Communities, Petitioner. Section 23. This motion is contingent upon the petitioner posting Thirty Seven Thousand Four Hundred Ninety One dollars and 52/100 (\$37,491.52) with the Township. The resolution follows:

SAD, Street Lighting Riverside Communities Subdivision

RESOLUTION ORDERING ESTABLISHMENT

OF STREET LIGHTING DISTRICT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on July 9, 2003, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn

ABSENT: Kenneth Meerschaert, Jr.

The following preamble and resolution were offered by Member OLIVER and supported by Member MALBURG.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

- 1. It is hereby directed that a street light or lights shall be installed at Riverside Communities, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".**
- 2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.**

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3. The initial installation shall equal the sum of \$50,105.90, together with the first annual electrical service charge in the amount of \$4,204.79, the Township's at-large contribution is \$ 0.00.
4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: OLIVER, MALBURG, BUCCI, DUNN, KOEHS, BRENNAN.

NAYS: NONE.

ABSENT: MEERSCHAERT.

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs
MACOMB TOWNSHIP CLERK

SAD, Street Lighting, Riverside Communities

EXHIBIT "A"

LEGAL DESCRIPTION OF

SPECIAL ASSESSMENT LIGHTING DISTRICT

Part of the southeast quarter of Section 23, Town 3 North, Range 13 East, Macomb Township, Macomb County, Michigan, being described as:

Commencing at the east quarter post of Section 23, Thence South 01 degrees 45 minutes 10 seconds east 751.41 feet along the east line of Section 23, being the centerline of North Avenue (66.00 feet wide) to the point of beginning: Thence continuing South 01 degrees 45 minutes 10 seconds east 150.00 feet along the east line of Section 23; Thence South 88 degrees 29 minutes 50 seconds west 625.15 feet; Thence South 01 degrees 45 minutes 10 seconds east 333.37 feet; Thence North 88 degrees 28 minutes 23 seconds east 625.15 feet to the east line of Section 23; Thence South 01 degrees 45 minutes 10 seconds east 60.00 feet along the east line of Section 23; Thence South 88 degrees 53 minutes 16 seconds west 2725.77 feet to the north and south quarter line of Section 23; Thence North 00 degrees 40 minutes 38 seconds west 1271.18 feet along the north and south quarter line to the center post of Section 23; Thence North 88 degrees 23 minutes 38 seconds east 2076.60 feet along the east and west quarter line of Section 23, being South 88 degrees 23 minutes 38 seconds west 625.14 feet along the east and west quarter line of Section 23 from the

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east quarter post of Section 23; Thence South 01 degrees 45 minutes 10 seconds east 750.28 feet along the north and south extension of the west line of Rainbow Drive Subdivision as recorded in Liber 47 of Plats, Page 34, Macomb County Records; Thence North 88 degrees 29 minutes 50 seconds east 625.15 feet to the east line of Section 23 to the point of beginning. Containing 64.36 acres, more or less. Subject to any and all easement and rights of record or otherwise.

**Pre-Printed Portion of document
drafted by:**

**Lawrence W. Dloski
ANTHONY, SEIBERT AND DLOSKI, PLLC
59 N. Walnut, 202 Vicant Building
Mt. Clemens, MI 48043**

**AFTER RECORDING RETURN TO: Michael D. Koehs
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042**

MOTION carried.

8. Street Lighting Request; Castle Mar Subdivision; Simone Mauro, Petitioner.
Section 15.

Supervisor Brennan opened the Public Hearing at 7:12 P.M.

Public Portion: None.

MOTION by DUNN seconded by KOEHS to close the public hearing at 7:13 P.M.

MOTION carried.

**MOTION by DUNN seconded KOEHS to adopt the resolution for the Street
Lighting Request; Castle Mar Subdivision; Simone Mauro, Petitioner. Section 15.**

**This motion is contingent upon the petitioner posting Two Thousand Four Hundred
Forty Eight dollars and 58/100 (\$2,448.58) with the Township. The resolution
follows:**

SAD, Street Lighting Castle Mar Subdivision

RESOLUTION ORDERING ESTABLISHMENT

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OF STREET LIGHTING DISTRICT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on July 9, 2003, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Charles Oliver, Janet Dunn, Dino F. Bucci, Jr.

ABSENT: Kenneth Meerschaert, Jr.

The following preamble and resolution were offered by Member DUNN and supported by Member KOEHS.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

- 1. It is hereby directed that a street light or lights shall be installed at Castle Mar Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".**
- 2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.**

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3. The initial installation shall equal the sum of \$3,931.42, together with the first annual electrical service charge in the amount of \$494.28, the Township's at-large contribution is \$0.00.
4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: DUNN, KOEHS, MALBURG, BUCCI, OLIVER, BRENNAN.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

MICHAEL D. KOEHS
MACOMB TOWNSHIP CLERK

SAD, Street Lighting, Castle Mar Subdivision

EXHIBIT "A"

LEGAL DESCRIPTION OF

SPECIAL ASSESSMENT LIGHTING DISTRICT

Part of the Southeast Quarter of Section 15, T.3N., R.13E., Macomb Township, Macomb County, Michigan and being described as:

Beginning on the East line of Section 15 N.01°50'03"W. 704.65 feet from the Southeast corner of Section 15; thence S.87°49'58"W. 554.37 feet; thence S.42°55'27"W. 214.00 feet; thence S.01°54'20"E. 70.64 feet; thence S.87°44'40"W. 467.34 feet; thence N.29°48'39"W. 131/07 feet; thence N.59°04'39"W. 117.90 feet; thence N.01°49'26"W. 1341.08 feet; thence N.87°54'12"E. 837.69 feet; thence S.01°50'03"E. 266.63 feet; thence N.87°54'12"E. 495.00 feet to the East line of Section 15, also being the centerline of Card Road (66.0 feet wide); thence S.01°50'03"E. 1030.84 feet along the East line of Section 15 and the centerline of Card Road to the point of beginning and containing 39.74 acres, more or less. Subject to the rights of the public in Card Road and any and all easements and rights of way of record or otherwise.

Pre-Printed Portion of document

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drafted by:

**Lawrence W. Dloski
ANTHONY, SEIBERT AND DLOSKI, PLLC
59 N. Walnut, 202 Vicant Building
Mt. Clemens, MI 48043**

**AFTER RECORDING RETURN TO: Michael D. Koehs
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042**

MOTION carried.

Addition

8A. Temporary Sales Trailer; Sycamore Estates Subdivision; Located on the southeast corner of Card Road and 22 Mile Road. Pulte Homes, Petitioner. Permanent Parcel No. 08-26-100-001. (Tabled at the May 28, 2003 TWP Meeting)

Supervisor Brennan reviewed the Temporary Sales Trailer request and the reason for previous tabling.

Public Portion: None.

Petitioner: Tom Cleary and Dennis Ouellette present.

MOTION by OLIVER seconded by BUCCI to approve the Temporary Sales Trailer; Sycamore Estates Subdivision; Located on the southeast corner of Card Road and 22 Mile Road. Pulte Homes, Petitioner. Permanent Parcel No. 08-26-100-001.

MOTION carried.

MOTION by OLIVER seconded by BUCCI to amend the previous motion to add a provision to the previous motion that there be a time frame of one year from the date of approval for the Temporary Sales Trailer; Sycamore Estates Subdivision; Located on the southeast corner of Card Road and 22 Mile Road. Pulte Homes, Petitioner. Permanent Parcel No. 08-26-100-001.

MOTION carried.

Addition

8B. Temporary Construction Trailer for Sycamore Estates Subdivision; Located on the southeast corner of Card Road and 22 Mile Road; Pulte Homes, Petitioner.

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Permanent Parcel No. 08-26-100-001. (Tabled at the May 28, 2003 TWP Meeting)

Supervisor Brennan reviewed the Temporary Construction Trailer and the reasons for previous tabling.

Public Portion: None.

Petitioner: Tom Cleary and Dennis Ouellette present.

MOTION by DUNN seconded by MALBURG to approve the Temporary Construction Trailer for Sycamore Estates Subdivision; Located on the southeast corner of Card Road and 22 Mile Road; Pulte Homes, Petitioner. Permanent Parcel No. 08-26-100-001. This approval is granted for one year from the date of approval.

MOTION carried.

9. Final Plat Amendments; Twin Rivers Subdivision No. 1; (156 lots) Located on the east side of Romeo Plank Road approximately 1,000 feet north of Hall Road; Twin River Development, Petitioner. Permanent Parcel No. 08-33-376-007.

Supervisor Brennan, Clerk Koehs and Larry Dloski, the Township Attorney discussed the amendments to the Twin Rivers Plat.

Public Portion: None.

Petitioner: Vincent DiLorenzo present.

MOTION by KOEHS seconded by BUCCI to amend the Final Plat approval Twin Rivers Subdivision No. 1; (156 lots); Located on the east side of Romeo Plank Road approximately 1,000 feet north of Hall Road; Twin River Development, Petitioner Permanent Parcel No. 08-33-376-007 and require that a construction road be built north off of Hall Road rather than Romeo Plank Road.

MOTION carried.

10. Rezoning; Commercial General (C-2) to Office High Rise (O-2); Located on the northwest corner of Hall Road and Tilch Road; William Beaumont Hospital, Petitioner. Permanent Parcel No. 08-31-400-040.

Jack Dailey, Community Planning Consultant reviewed the request. Supervisor Brennan held further discussion with the Board and Township Attorney concerning previous Zoning Board of Appeals actions.

Public Portion: None.

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Petitioner: Robert Kirk present. Mr. Kirk reviewed the Zoning Board of Appeals actions.

MOTION by KOEHS seconded by OLIVER to refund the fees collected for the special Zoning Board of Appeals Board Meeting of April 22, 2003 to the petitioner William Beaumont Hospital; Located on the northwest corner of Hall Road and Tilch Road; William Beaumont Hospital, Petitioner. Permanent Parcel No. 08-31-400-040.

MOTION carried.

MOTION by KOEHS seconded by OLIVER to deny the Rezoning; Commercial General (C-2) to Office High Rise (O-2); Located on the northwest corner of Hall Road and Tilch Road; William Beaumont Hospital, Petitioner. Permanent Parcel No. 08-31-400-040.

MOTION carried.

Addition:

10a. Zoning Ordinance No. 10 Amendments: Complete list available at the Townships Clerks Office.

Jack Dailey, Community Planning Consultant reviewed the amendments with the Board.

Public Portion: None.

MOTION by KOEHS seconded by DUNN to adopt the proposed Zoning Ordinance No. 10 Amendments as follows:

**COMMUNITY PLANNING CONSULTANTS
17037 22 Mile
MACOMB, MICHIGAN 48044**

June 27, 2003

July 1, 2003 Public Hearing

**Macomb Township Planning Commission
54111 Broughton Road
Macomb, MI 48042**

Attention: Michael D. Koehs, Township Clerk

Subject: Proposed Amendments to Macomb Township Zoning Ordinance

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1. The Planning Consultant has held discussions with the Township building officials regarding various amendments needed to the Zoning Ordinance to help clarify specific development and or administration issues. On June 7 and June 26, 2003, the summary of the proposed amendments were published in the Macomb Daily. The Sections under consideration as part of this series of recommended amendments include the following:

2. Section 10.0311 B.2 – AMEND the ‘Dimension Criteria’ for measuring front, side, and rear yards.

The ordinance as currently written contains language that is redundant and attempts to regulate exclusions in the various yards within the same subsection as the criteria for measurement. It was the consensus of those within the Building Department and Planning Department that administer the zoning ordinance that the paragraphs in question should be revised. The proposed amendment strikes all language in the first paragraph and all the language in the second paragraph except the following:

“All front, side and rear yards shall be the minimum perpendicular distance measured from the principal structure to the respective front, side or rear lot lines.”

3. Section 10.0312- ADD a paragraph to the Exception to yard and lot area requirement relating to ‘Projections into Yards’.

The ordinance as currently written has language related to this issue contained within the ‘Dimension Criteria’ for measuring front, side and rear yards, as noted in the above paragraph. It is recommended that such language should be in the ‘Exception to yard and lot area’ subsection as a separate paragraph. Thus a new paragraph is created and named, ‘Projections into Yards’. The proposed amendment specifies how certain architectural features such as window sills, cornices, eaves, and bay windows may encroach into front, side, or rear yards.

As proposed the amendment would allow a bay window for example to extend up to two (2) feet into the required 7.5 ft. side yard setback in a R-1 Zone provided that the window would be limited to 10 ft. in length along the elevation and limited to two such projections along any elevation.

Any such projections into the front or rear yards would be permitted to extend up to three feet and also limited to two such projections of no greater than 10 feet in length each. The projections permitted to be allowed into the front and rear yards are greater than the projections allowed into side yards. The side yards are given more protection than front and rear yards because projections into side yards have a more immediate affect on adjoining properties than do projections into either front or rear yards.

4. **Section 10.0314 C. To be added to the subsection on Lot Grades. In the R-1 and R-1-E districts there is a need to more strictly regulate the relationship of the finished grade to the elevation of the structure's first floor. There have been single family homes built on adjoining lots with one house having a first floor that looks down on the adjoining house when there is no difference in the finish grades for either building site. This is a problem in the R-1 and the R-1-E Districts since the lot sizes are such that the side yard setbacks are only 7.5 ft. and 10 ft. respectively. With houses only 15 or 20 feet apart the difference of 3-5 ft. found in some instances makes for an unreasonable difference and allows the residents of the house with the higher finished first floor to look down into the neighbor's house from any openings in the side elevations. The normal difference should be no more than 6 inches.**

The ordinance as written is silent on any regulation in this regard. In order to correct this problem a paragraph is recommended to be added that would allow for less variation in the setting of the elevation of the structure's first floor. The elevation of the structure's first floor would be limited to five feet above the curb elevation of the street. The proposed language was written after discussions with the Building Department and the Consulting Engineer.

5. **Section 10.0604 C. to be amended to add a paragraph relating to the height of the structure's first floor. Most of the language for this paragraph is taken from the amendment referenced above relating to Lot Grades. Since the proposed amendment is intended to regulate lots in the R-1-E and R-1 Zoning Districts, language is being recommended to be added to Site limitations section under the 'Maximum height of any structure' paragraph of the R-1-E Article of the Zoning Ordinance.**
6. **Section 10.0704 B. to be amended to add a paragraph relating to the height of the structure's first floor. Most of the language for this paragraph is taken from the amendment referenced above relating to Lot Grades. Since the proposed amendment is intended to regulate lots in the R-1-E and R-1 Zoning Districts, language is being recommended to be added to Site limitations section under the 'Maximum height of any structure' paragraph of the R-1 Article of the Zoning Ordinance.**

Respectfully submitted,

**Jerome R. Schmeiser/ Jack Dailey
COMMUNITY PLANNING CONSULTANTS**

**FOR THIS MOTION: KOEHS, DUNN, BUCCI, OLIVER, MALBURG,
BRENNAN.**

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OPPOSED: NONE.

ABSENT: MEERSCHAERT

MOTION carried.

OLD BUSINESS:

11. Request for Release; Wall Sign Bond; Bangkok Inn; Located on the north side of Hall Road east of Hayes Road; May K Dinh, Petitioner. Permanent Parcel No. 08-31-300-025.

Supervisor Brennan reviewed the Wall Sign Bond release request.

MOTION by BUCCI seconded by MALBURG to approve the Request for Release; Wall Sign Bond; Bangkok Inn; Located on the north side of Hall Road east of Hayes Road; May K Dinh, Petitioner. Permanent Parcel No. 08-31-300-025.

MOTION carried.

12. Request for Release; Wall Sign Bond; Ladies Workout Express; Located on the north side of 21 Mile west of Card Road; Gina Walker, Petitioner. Permanent Parcel No. 08-27-476-002.

Supervisor Brennan reviewed the Wall Sign Bond release request.

MOTION by OLIVER seconded by KOEHS to approve the Request for Release; Wall Sign Bond; Ladies Workout Express; Located on the north side of 21 Mile west of Card Road; Gina Walker, Petitioner. Permanent Parcel No. 08-27-476-002.

MOTION carried.

NEW BUSINESS:

13. Request to Schedule a Public Hearing Date; Hidden Meadows Subdivision; Street Lighting Proposal and Agreement. Meadowbrook Building Company, Petitioner. Section 26. (July 23, 2003)

Supervisor Brennan reviewed Hidden Meadows Street Lighting Public hearing request.

MOTION by KOEHS seconded by MALBURG to schedule July 23, 2003 Public Hearing Date for Hidden Meadows Subdivision; Street Lighting Proposal Agreement. Meadowbrook Building Company, Petitioner. Section 26.

MOTION carried.

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14. Proposed Ordinance; Breeding and Confining of Pigeons.

Supervisor Brennan discussed the Ordinance with the Board.

**MOTION by DUNN seconded by OLIVER to adopt the Proposed Ordinance;
Breeding and Confining of Pigeons as follows:**

TOWNSHIP OF MACOMB
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 222
AMENDMENT OF THE TOWNSHIP OF MACOMB
CODE OF ORDINANCES

TITLE

AN ORDINANCE OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN, TO IMPOSE CERTAIN REGULATIONS REGARDING THE BREEDING, CONFINING OF PIGEONS, THE CONSTRUCTION AND OPERATION OF PIGEON LOFTS, AND NUMBER OF PIGEONS THAT MAY BE KEPT IN A LOFT. THIS IS A REMEDIAL ORDINANCE AND SHALL BE GIVEN RETROACTIVE EFFECT.

THE TOWNSHIP OF MACOMB ORDAINS:

Code of Ordinances is added as follow:

Section 1. Definitions.

- A. "Loft" shall mean a separate detached structure constructed in compliance with the Township of Macomb's building code regulations.
- B. "Carrier Pigeon" shall mean homing and racing pigeons which have the name of the owner stamped upon the wing or tail, or are banded upon the leg with the name or initials of the owner or with an identification or registration number stamped on the band.
- C. "Racing Pigeon" shall mean a pigeon registered with a national racing organization and used as a game competitive bird. The pigeons are not to be identified or classified as fowl when raised and used in the sport and hobby of racing carrier pigeons.

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- D. "Department" shall mean the building/health department of the Township of Macomb, and shall include the head of such department or any designated agent acting in his stead on behalf of the Township of Macomb.

Section 2. New Lofts.

Any new pigeon loft established, constructed and operated within the Township of Macomb shall comply with the following requirements:

- A. It shall be unlawful to establish, construct and operate a new pigeon loft within the Township of Macomb without first obtaining a permit therefor.
- B. A permit application shall be filed in the form provided by the Clerk, which shall be accompanied by a drawing showing the size and location of the loft which shall be submitted to the Building Department of the Township of Macomb for approval.
- C. A permit shall be valid for one year from the date of issuance. The permit fee shall be established by resolution of the Board of Trustees.
- D. A pigeon loft shall not be located nearer than fifty feet from any structure, and not less than two hundred feet from a school, church or place of public assembly. It shall also be located in accordance with any applicable zoning ordinance of the Township of Macomb.
- E. It shall be unlawful to have on the same premises more than one pigeon loft.
- F. It shall be unlawful to harbor or raise pigeons or allow the congregation of pigeons unless permitted by the Township.

Section 3. All owners of pigeon lofts within the Township of Macomb shall comply with the following requirements.

- A. By August 15, 2003, an owner of a loft which validly existed prior to the effective date of this ordinance shall obtain a permit for each such loft which shall be valid for one year from the date of issuance. The permit fee shall be established by resolution of the Board of Trustees.
- B. All lofts shall be subject to inspection by the Department and if not maintained in a reasonably clean and orderly manner and in a condition comparable to the neighboring buildings, shall be subject to discontinuance at the order of the Department. In the event the Department revokes or discontinues a permit under this section, the owner, upon written request with ten (10) days to the Township Clerk shall be entitled to a hearing before the

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Township Board of Trustees to show cause why such permit should not be discontinued or revoked.

- C. All pigeons and pigeon lofts must be kept free from odors and free from any insect or rodent breeding.
- D. All pigeon droppings shall be removed from the pens at least twice weekly and placed and disposed of according to all applicable health regulations established by the Township and/or the Macomb County Health Department.
- E. All pigeons shall be confined to the loft, except for reasonable but limited periods necessary for exercise, training and competition; and at no time shall be allowed to perch or linger on the buildings or property of others.
- F. All pigeons shall be fed within the confines of the loft.
- G. No one may have more than ten pigeons in any zoned area.

Section 4. All pigeon lofts shall meet the specifications established by the Township of Macomb.

Section 5. The owner of every pigeon(s) shall be responsible for the removal of any excreta deposited by his pigeon(s) on public walks, recreation areas or private property.

Section 6. Violations.

The Department may revoke or discontinue any permit if any section of this Article is violated. Appeals on revocations or discontinuances may be made pursuant to the provisions of Section 3.B of this Article.

Section 7. Penalty.

Any person who violates any provision of this Article shall, upon conviction, be fined as provided in Section 1-9 of the Code.

Section 8. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 9. PUBLICATION

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A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

Section 10. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Section 11. CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 9th day of July, 2003, by the following vote of the members thereof:

AYES: DUNN, OLIVER, BUCCI, MALBURG, KOEHS, BRENNAN.
NAYS: NONE.
ABSENT: MEERSCHAERT.

This Ordinance was published in the Macomb Daily Newspaper as required by law in its edition for Saturday, July 26, 2003.

Michael D. Koehs, Clerk
Macomb Township

MOTION carried.

MOTION by DUNN seconded by OLIVER to approve the Pigeon Permit Fee in the amount of One Hundred dollars and 00/100 (\$100.00) per application.

MOTION carried.

BUILDING DEPARTMENT:

15. Request Approval for Inspectors to Attend Fall Conference

Bob Beckett, Building Official reviewed the request for the Mechanical Inspectors Fall Conference.

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MOTION by OLIVER seconded by KOEHS to approve the request for two Mechanical Inspectors to attend the Fall Conference total cost of Seven hundred Fifty Dollars and 00/100 (\$750.00) plus meals and mileage.

MOTION carried.

16. Request to hire temporary help

Bob Beckett, Building Official reviewed the request for temporary help.

MOTION by BUCCI seconded by MALBURG to approve the request for temporary Clerical help for sixty days and the request for temporary Mechanical Inspector help for two weeks.

MOTION carried.

WATER & SEWER DEPARTMENT:

17. Easement Encroachment Agreement; Spyridon T. & Maria S. Vasilakis, 16322 Jenny Drive, Macomb, MI 48042, Lot 151, Altermatt Farms Subdivision.

David Koss, Water & Sewer Department Superintendent reviewed the standard easement encroachment rear yard patio and recommended approval.

MOTION by KOEHS seconded by MALBURG to approve the Easement Encroachment Agreement; Spyridon T. & Maria S. Vasilakis, 16322 Jenny Drive, Macomb, MI 48042, Lot 151, Altermatt Farms Subdivision.

MOTION carried.

18. Easement Encroachment Agreement; John & Denise Grimes, 20103 Ramblewood Drive, Macomb, MI 48042, Lot 266 Beacon Square Subdivision.

David Koss, Water & Sewer Department Superintendent reviewed the standard easement encroachment pool deck and recommended approval.

MOTION by OLIVER seconded by KOEHS to approve the Easement Encroachment Agreement; John & Denise Grimes, 20103 Ramblewood Drive, Macomb, MI 48042, Lot 266 Beacon Square Subdivision.

MOTION carried.

19. Approval to contract for road repair damage caused by water main breaks.

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David Koss, Water & Sewer Department Superintendent reviewed the eight damaged water main breaks and recommended the bid to John Carlo, Inc. Mr. Koss stated John Carlo Inc. Bid includes permit fees, insurances, bonds, inspections and restoration.

MOTION by OLIVER seconded by BUCCI to award the bid to John Carlo Inc. for permanent replacement of the eight (8) water main breaks total cost Forty Nine Thousand Six Hundred Sixty Dollars and 00/100 (\$49,660.00) including permit fees, insurances, bonds, and restoration.

MOTION carried.

20. Approval of Purchase Requisitions:
A. Kush Paint Company.
B. Portable Generator

David Koss, Water & Sewer Department Superintendent reviewed the purchase requisition requests.

MOTION by DUNN seconded by MALBURG to approve the purchase requisition; Kush Paint Company for seventy five (75) gallons of Marine Yellow Paint for Hydrant Maintenance.

MOTION carried.

MOTION by DUNN seconded by BUCCI to approve the request for the portable generator unit from Contractor Connection, total cost One Thousand Six Hundred Nine dollars and 25/100 (\$1,609.25).

MOTION carried.

21. Batch Plant; Twin Rivers Subdivision; Located on the east side of Romeo Plank Road approximately 1,000 feet north of Hall Road; Twin River Development, Petitioner. Permanent Parcel No. 08-33-376-007.

David Koss, Water & Sewer Department Superintendent held further discussion with the Board and Township Attorney concerning the Batch Plant for Twin Rivers.

Public Portion: None.

Petitioner: Vincent DiLorenzo present.

MOTION by KOEHS seconded by BUCCI to approve the Batch Plant; Twin Rivers Subdivision; Located on the east side of Romeo Plank Road approximately 1,000 feet north of Hall Road; Twin River Development, Petitioner. Permanent Parcel No. 08-33-376-007. The approval is contingent upon that no batching will take place

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until the construction access road is completed and that the Batch Plant is approved for forty five (45) days.

MOTION carried.

BOARD COMMENTS:

22. Supervisor Comments:

22A. Request authorization for the Township Attorney to defend the Michigan Tax Tribunal cases.

Supervisor Brennan reviewed the request with the Board.

MOTION by DUNN seconded by MALBURG to authorize the Township Attorney to defend the Walgreen Company v. Macomb Township, RP and 23 LLC v. Macomb Township, Nachi Machining Technology Co. Permanent Parcel No. 08-20-100-017 v. Macomb Township, and Lorenzo Cavaliere v. Macomb Township.

MOTION carried.

Addition

22B. 21 Mile Road and Romeo Plank Road Property. Permanent Parcel No. 08-33-102-007.

Supervisor Brennan reviewed the property located on the southeast corner of Romeo Plank Road and 21 Mile Road. Mr. Brennan held further discussion with the Board reviewing the cost of land at approximately Eight Thousand Nine Hundred dollars.

MOTION by DUNN seconded BUCCI to contact Macomb County and proceed forward with the property described. Permanent Pare No. 08-33-102-007.

MOTION carried.

23. Clerk Comments:

Clerk Koehs reminded the Board of the Special Meeting coming up Wednesday July 16, 2003 pertaining to discussion of a future architect for the Township Fire Halls.

24. Treasurer Comments:

25. Trustees Comments:

MOTION by DUNN seconded by BUCCI to approve the payment of Bills submitted from the finance department.

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MOTION carried.

Addition:

EXECUTIVE SESSION

The Board adjourned into Executive Session at 8:03 P.M.

MOTION by OLIVER seconded by KOEHS to adjourn into Executive Session at 8:03 P.M.

MOTION carried.

The Board reconvened at 8:34 P.M.

26. MAFF issues

Larry Dloski, Township Attorney stated the letters of understanding submitted are to resolve pending litigation between Michigan Association Fire Fighters (MAFF) and The Township of Macomb involving contract issues.

MOTION by KOEHS seconded by DUNN to adopt the two letters of understanding from the Michigan Association Fire Fighters (MAFF) and authorize the Township Supervisor to sign the documents.

MOTION carried.

ADJOURNMENT

MOTION by DUNN seconded by BUCCI to adjourn the meeting at 8:35 P.M.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, Clerk
Gabrielle M. Baker, Recording Secretary
MDK/gmb